UNITED STATES PATENT AND TRADEMARK OFFICE

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10/711,972	10/16/2004	Anthony S. Au	001-500	5971

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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *21 March 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *53-75* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *53-75* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This **Non-Final** action is responsive to the RCE filed on 03/21/07.

2.   Claims 1-52 were canceled. Claims 53-75 are pending. Claims 53 & 62 are independent claim.

Withdrawn Objections

3.   The Objection to claim 39 has been withdrawn in light of the amendment.

Withdrawn Rejections

4.   The 35 U.S.C. 103(a) rejections of claims 27, 29, 32-34, 30-31 and 35-37 with cited references of Williams U.S. 6,873,964 in view of Micaelian U.S. 6,714,929 has been withdrawn in light of the amendment.

5.   The 35 U.S.C. 103(a) rejections of claims 28 and 38-52 with cited references of Williams U.S. 6,873,964 in view of Micaelian U.S. 6,714,929 further in view of Crow U.S. Pub 2005/0080657 has been withdrawn in light of the amendment.

·Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 53 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim uses the words "can be", such terminology in claims renders them indefinite because it does not distinctly claim the subject matter and·should be avoided in claim language. Appropriate corrections are required.

8.   Claims 54-61 and 63-75 are rejected because they inherit the deficiencies of Independent claims 53 and 62.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 53 & 55-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (U.S. 6,873,964, filed on

Dec 11, 1998) in view of Micaelian (U.S. 6,714,929 filed on Apr 13, 2001).

Regarding Independent Claims 53 and 62, Williams discloses a data processing system for recruiting employees

comprising: Having a company input data based on the needs for a position (column 1, lines 30-55, wherein entering

information related to a plurality of hiring needs includes company input data based on the needs of a position); Having

a candidate input data independent of and not based the company's data (column 3, lines 1-55, wherein resumes of

potential candidates are collected, therefore including candidate input data not based on the company's data); Checking

to see if the candidate meets a minimum criteria (column 3, lines 1-55, wherein the resumix system performs a search

against open requisitions and resumes to identify applicants that meet job requisition requirements); Matching the

candidate's input data with the company's data where possible (column 3, lines 1-55, wherein the applicant is contacted

based upon the matching performed by the resumix system, which includes matching the candidate's data from the

resume with the companies data based on the requisition requirements); Discloses prioritizing the company's data

based on the needs of the position (wherein comparing of the job requisition requirements include the company's data

based on the needs of the position that are prioritized on the job requisitions as either opened and unfilled or closed and

filled); Williams fails to teach the weighting and scoring of the matches between the resume and the requisition

requirements. Micaelian discloses weighting the matches based on the prioritize of the company's data (abstract &

column 2, lines 30-67, wherein the search system includes a weighted preference data. Where the resumix system of

Williams uses the search system of Micaelian too assign weights to the company data); Calculating a score based on

the weights and comparison of the company's data and candidate's data (abstract & column 2, lines 30-67, wherein

ranking of the results includes calculating a score based on the weighted data and the data from the source

representative of the resume items of William). At the time of the invention it would have been obvious to one of

ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for doing so

would have been to determine a match between the resume and the companies most valued needs thereby improving

the selection of qualified applicants using the generated scores.

Regarding Dependent claim 55, with dependency of claim 53, Williams discloses where said candidate's data consist

of a set of achievements, experience/responsibilities, personal attributes and winning attributes (column 3, lines 1-55,

wherein the collected data which includes the resume from the applicant typically include information such as experience, achievements and winning attributes).

Regarding Dependent claims 56 and 63, with dependency of claim 53, Williams fails to explicitly mention the use of artificial intelligent logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). At the time of the invention it would have been obvious to one of ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for doing so would have been to determine a match between the resume and the companies most valued needs thereby improving the selection of qualified applicants using the generated scores.

Regarding Dependent claims 57 and 64, with dependency of claim 53, Williams fails to explicitly mention the use of artificial intelligent logic including fuzzy logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses fuzzy logic to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques that include fuzzy logic). At the time of the invention it would have been obvious to one of ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for doing so would have been to determine a match between the resume and the companies most valued needs thereby improving the selection of qualified applicants using the generated scores.

Regarding Dependent claims 58 and 65, with dependency of claim 55, William discloses where no more than 3 goals are entered (column 3, lines 1-55).

Regarding Dependent claims 59 and 66, with dependency of claim 55, William discloses where no more than 5 responsibilities and professional inputs are entered (column 3, lines 1-55).

Regarding Dependent claims 60 and 67, with dependency of claim 55, Williams discloses where no more than 8 personal attributes are entered (column 3, lines 1-55).

Regarding Dependent claims 61 and 68, with dependency of claim 56, Williams discloses where no more than 5 achievements are entered (column 3, lines 1-55).

Regarding Dependent claim 69, with dependency of claim 62, Williams discloses where the responsibilities required by a company are compared with experience/responsibilities of a candidate (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's data from the resume with the companies data based on the requisition requirements).

Regarding Dependent claim 70, with dependency of claim 62, William discloses where the goals are compared with the achievements (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's data or achievements from the resume with the companies data based on the requisition requirements or company goals).

Regarding Dependent claim 71, with dependency of claim 62, Williams discloses which is accessed over a network (fig 7 & 8 & 12, wherein the invention includes a RRC Local Area Network).

Regarding Dependent claims 72, 73 and 74, Williams discloses where no more than 8 winning attributes are entered (column 3, lines 1-55).

Regarding Dependent claim 75, with dependency of claim 62, Williams discloses where the winning attributes required by a company are compared with the winning attributes described by a candidate (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's winning attributes from the resume with the companies).

11.   Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (U.S. 6,873,964, filed on Dec 11, 1998) in view of Micaelian (U.S. 6,714,929 filed on Apr 13, 2001) further in view of Crow (U.S. Pub 2005/0080657, filed Oct 10, 2003).

Regarding Dependent claim 54, with dependency of claim 53, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria includes goals and attributes of a company. Crow teaches where said company data consists of a set of goals, responsibilities, personal

attributes and winning attributes (paragraphs 67 & 69, wherein the ontology includes company data such as job, roles, skills etc.). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

12.   Applicant has not filed any arguments in the response filed 03/21/07.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
June 7, 2007

CESAR PAULA
PRIMARY EXAMINER